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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY-DOCKET NO.	CONFIRMATION NO.
09/682,655	10/02/2001	Igor A. Shmulevich	VIGN1330-1	5246
44654	7590	06/21/2005	EXAMINER	
SPRINKLE IP LAW GROUP 1301 W. 25TH STREET SUITE 408 AUSTIN, TX 78705			PATEL, ASHOKKUMAR B	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/682,655

Applicant(s)

SHMULEVICH ET AL.

Examiner

Ashok B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/7/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-24 are subject to examination.

Response to Arguments

2. Applicant's arguments filed April 11, 2005 have been fully considered but they are not persuasive for the following reasons:

Rejections under 35 U.S.C. § 102

Applicant's argument:

"As defined in the Specification, service data is unformatted data. This data is referred to as unformatted because it does not contain information relating to the manner in which the data should be formatted for the purposes of presentation. Unformatted data does not have tags identifying tables, cells within tables, fonts, colors, or other information that would be used to control the presentation of the data to a user (Specification - paragraph (40034))."

"Applicant respectfully submits that Fitzsimmons does not teach or suggest the claimed limitations as asserted by the Examiner. Specifically, Fitzsimmons does not teach or suggest generating a plurality of templates, a master template which generates a plurality of templates for transforming unformatted data into formatted data."

"Fitzsimmons does not teach or suggest the limitation of a master template which contains information corresponding to markup languages and presentation capabilities of a plurality of device type, and which is adapted to create a plurality of service templates using the master template, each of which is configured to

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convert the service data into markup language data adapted to be displayed on a corresponding type of device.”

“Therefore, neither Fitzsimmons nor the apparatus, method and 'system of Fitzsimmons discloses providing a master template wherein the master template contains information corresponding to markup languages and presentation capabilities of a plurality of device types or creating of a plurality of service templates, each of which is configured to convert the service data into markup language data adapted to be displayed on a corresponding type of device as recited by Claim 1 and asserted by the Examiner. Furthermore, Fitzsimmons does not teach or suggest generating a plurality of templates.”

Examiner's response:

Examiner agrees, " As defined in the Specification, service data is unformatted data." However, claims 1 and 19 recite, "convert the service data into markup language data adapted to be displayed on a corresponding type of device." As such the service data is "unformatted data for the type of device that is not capable of displaying the unformatted data in its original markup language. Since the claim does not define "Unformatted data does not have tags identifying tables, cells within tables, fonts, colors, or other information that would be used to control the presentation of the data to a user." And this is also substantiated by the claims 10 and 22 as stated below.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Unformatted data does not have tags identifying tables, cells within

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tables, fonts, colors, or other information) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from

the specification are not read into the claims. See *In re Van Geuns*, 988

F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

It is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. *Constant v. Advanced Micro-Devices Inc.*, 7 USPQ2d 1064.

Claim 10 recites "configured to convert the portion of the service data into one of the alternate formats." Wherein the claim also recites " providing service data in a first format."

Claim 22 recites "templates suitable for adapting data to a format." And also, the claim recites "each template is configured to adapt the data for display on a device or class of device."

Claims 10 and 22 clearly defines that service data or any other data does incorporate a format. These claims do not recite "Unformatted data."

Fitzsimons teaches "creating a plurality of service templates using the master template, each of which is configured to convert the service data into markup language data adapted to be displayed on a corresponding type of device (page 8, para. [0078]," A singular template with a particular arrangement of page elements and geometry may be used to provide a uniform output view for varying data sources 201. The template is specified with a specific output device. However, there may be master templates that have elements common to

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several individual templates for various and disparate output devices, i.e., template collections.”)

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by

Fitzsimons et al. (hereinafter Fitzsimons)(US Pub. No. US 2004/0205452 A1).

Referring to claim 1,

The reference teaches a method for generating a plurality of templates for the conversion of unformatted data to markup language files (page 2, para. [000019], [0020]) comprising:

providing service data corresponding to a selected service (page 7, para.[0073]);

providing a master template wherein the master template contains information corresponding to markup languages and presentation capabilities of a plurality of device types(page 7, para.[0073],” In one non-limiting example, the templates are in XML format and include style sheet and transformation information, which is rasterized and interpreted.”); and

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creating a plurality of service templates using the master template, each of which is configured to convert the service data into markup language data adapted to be displayed on a corresponding type of device (page 8, para.[0078],” A singular template with a particular arrangement of page elements and geometry may be used to provide a uniform output view for varying data sources 201. The template is specified with a specific output device. However, there may be master templates that have elements common to several individual templates for various and disparate output devices, i.e., template collections.”)

Referring to claim 2,

The reference teaches the method of claim 1 further comprising automatically generating the plurality of service templates. (page 2, para. [0019],[0020])

Referring to claims 3 and 4,

The reference teaches the method of claim 1 further comprising querying a user for one or more labels corresponding to portions of the service data, and further comprising providing the user with one or more default labels, wherein the default labels comprise the tag names for the corresponding data in the service data. (page 9, para.[0092], “In an alternative embodiment, the user may change the page element tags. Each page element may have a tag. This facilitates compositing data, such as but not limited to, properly tagged XML data into XML style sheet and/or template views of data. Furthermore, page elements may have custom attributes and tags associated that all may be varied. Variation of such attributes may be accessed, edited, and affected through a dialogue box. The attributes for each page element would be read from current data filled

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template into the dialogue box where they may be edited, and upon engaging a mechanism to accept the changes, e.g., and "OK" button widget, the changes would be affected into the data structure embodying the current data filled template. Upon effecting an edit of the data 313, flow cycles back to examining if the user has engaged/selected any facilities 301.")

Referring to claim 5,

The reference teaches the method of claim 1 wherein the master template comprises a plurality of blocks of data, wherein each of the blocks of data provides information for converting a selected portion of the service data into a markup language data adapted to be displayed on a selected type of device.

(page 2, para.[000019], [0020], page 8, para.[0078])

Referring to claim 6,

The reference teaches the method of claim 1 further comprising querying a user as to whether one or more portions of the service data will be included in the templates. (page 9, para.[0094])

Referring to claims 7 and 9,

The reference teaches the method of claim 1 wherein providing the service data comprises providing XML data., and 1 wherein one of the formats adapted to be displayed on the corresponding types of devices comprises XML. (page 7, para.[0073])

Referring to claim 8,

The reference teaches the method of claim 1 wherein the formats adapted to be displayed on the corresponding types of devices include one or more HTML

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formats and one or more WML formats. (page 10, para.[0099], " A device file may comprise basic geometry (e.g., output size dimensions, resolution density, color capability, and/or the like), tags, and attributes associated with a particular device. Devices may include PDAs, WAP enabled devices such as cell phones, web pages, print, and/or the like.")

Referring to claim 10,

The reference teaches a method comprising: providing service data in a first format; for at least a portion of the data, examining the service data to identify name-value pairs (page 2, para.[0019],[0020], and page 7, para.[0073]); providing a master template containing presentation format information for converting each name-value pair into a plurality of alternate formats, each of which is adapted to be displayed on one of a plurality of client devices (page 8, para.0078], "]," A singular template with a particular arrangement of page elements and geometry may be used to provide a uniform output view for varying data sources 201. The template is specified with a specific output device. However, there may be master templates that have elements common to several individual templates for various and disparate output devices, i.e., template collections."); and constructing a plurality of service templates from the presentation format information, wherein each service template is configured to convert the portion of the service data into one of the alternate formats. (page 7, para.[0073])

Referring to claims 11, 12 and 13,

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The reference teaches the method of claim 10 further comprising querying a user for a label for each name-value pair, and wherein querying the user for the label for each name-value pair comprises presenting the user with a default label and querying the user to either accept the default label or provide an alternate label, and wherein the default label comprises an XML tag that forms the name in the name-value pair. (page 9, para.[0092], "In an alternative embodiment, the user may change the page element tags. Each page element may have a tag. This facilitates compositing data, such as but not limited to, properly tagged XML data into XML style sheet and/or template views of data. Furthermore, page elements may have custom attributes and tags associated that all may be varied. Variation of such attributes may be accessed, edited, and affected through a dialogue box. The attributes for each page element would be read from current data filled template into the dialogue box where they may be edited, and upon engaging a mechanism to accept the changes, e.g., and "OK" button widget, the changes would be affected into the data structure embodying the current data filled template. Upon effecting an edit of the data 313, flow cycles back to examining if the user has engaged/selected any facilities 301.")

Referring to claim 14,

The reference teaches the method of claim 10 wherein the master template comprises an XML application. (page 7, para.[0073],[0074],[0076], page 8, para.[0078])

Referring to claims 15 and 16,

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The reference teaches the method of claim 10 wherein the plurality of device templates are configured to convert the service data into a plurality of distinct markup language files, and wherein the plurality of distinct markup language files comprise at least one form of HTML and at least one form of WML. (page 10, para.[0099], "A device file may comprise basic geometry (e.g., output size dimensions, resolution density, color capability, and/or the like), tags, and attributes associated with a particular device. Devices may include PDAs, WAP enabled devices such as cell phones, web pages, print, and/or the like.")

Referring to claim 17,

The reference teaches the method of claim 10 wherein the first format comprises XML (page 7, para.[0073]).

Referring to claim 18,

The reference teaches the method of claim 10 wherein the first format comprises a native database format. (pages 7 and 8, para.[0076])

Referring to claim 19,

Claim 19 is a claim to a computer-readable medium containing a plurality of instructions, wherein the instructions are configured to cause a computer to perform the method of claim 1. Therefore claim 19 is rejected for the reasons set forth for claim 1.

Referring to claim 20,

Claim 20 is a claim to a computer-readable medium containing a plurality of instructions, wherein the instructions are configured to cause a computer to

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perform the method of claim 2. Therefore claim 20 is rejected for the reasons set forth for claim 2.

Referring to claim 21,

Claim 21 is a claim to a computer-readable medium containing a plurality of instructions, wherein the instructions are configured to cause a computer to perform the method of claims 4 and 6. Therefore claim 21 is rejected for the reasons set forth for claims 4,5 and 6.

Referring to claim 22,

The reference teaches a method for generating templates suitable for adapting data to a format, comprising analyzing data pertaining to a service)page 2, para.[0019],[0020], page 7, [0073]); generating a plurality of templates using a master template, wherein the master template defines a style for the presentation of the data on a plurality of devices or classes of device and each template is configured to adapt the data for display on a device or class of device (page 7, para.[0073], page 8, para.[0078],]," A singular template with a particular arrangement of page elements and geometry may be used to provide a uniform output view for varying data sources 201. The template is specified with a specific output device. However, there may be master templates that have elements common to several individual templates for various and disparate output devices, i.e., template collections.")

Referring to claims 23 and 24,

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The reference teaches the method of claim 22, wherein the master template comprises a plurality of blocks, each of the blocks providing information for converting a portion of the data into data adapted to be displayed on a device or class of device, and wherein each template is generated using one or more blocks corresponding to the device or class of device for which the template is configured to adapt the data. (page 2, para.[000019], [0020], page 8, para.[0078])

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory

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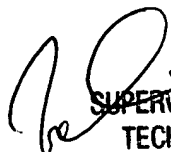
action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp

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